



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**ELECTRONIC MAIL**  
**CONFIRMATION OF EMAIL RECEIPT REQUESTED**

Mr. John Guest  
Toto USA, Inc.  
1155 Southern Road  
Morrow, Georgia 30260  
jguest@toto.com

Re: Toto USA, Inc.  
FIFRA Notice of Warning  
Case File No. FIFRA-04-2021-0812

Dear Mr. Guest:

The U.S. Environmental Protection Agency has obtained evidence indicating that Toto USA, Inc. appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On or about April 21, 2021, Expeditors, the licensed customs broker for Toto, filed an entry in the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) system for a shipment that contained the pesticide device products; Washlet SW3046#01, Washlet SW3046#12, Washlet SW3074#01, Washlet SW573#01, Washlet SN992M#01, and Washlet SW574T20#01, that arrived at the Port of Atlanta, Georgia under entry number 231-35229793 on or about April 21, 2021.

Pursuant to Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), it shall be unlawful for any person in any State to distribute or sell to any person any device which is misbranded. After a review of the labels provided, it was found that the owner's manuals for the Washlet SW573#01, Washlet SN992M#01, and Washlet SW574T20#01 contained a false or misleading claim. Specifically, "clean, sterile water helps to minimize dirty surfaces, but does not make cleaning unnecessary".

In response to the potential violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to Toto USA pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a Notice of Warning is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of Toto USA submit a signed statement indicating that compliance with FIFRA has been achieved (for the Washlet SW573#01, Washlet SN992M#01, and Washlet SW574T20#01) and identifying the actions taken to achieve compliance with the requirements set forth above and submit photographs of the pesticide product label and labeling that are legible and show the product in compliance with FIFRA. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement and photographs should be sent via email to Kimberly Tomczak at [tomczak.kimberly@epa.gov](mailto:tomczak.kimberly@epa.gov) and submitted in hard copy to:

Kimberly Tomczak  
Enforcement and Compliance Assurance Division  
Pesticides Enforcement Section  
U.S. EPA Region 4  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303

In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence or arguments as to why the EPA should not initiate such action.

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: [www.epa.gov/compliance/small-business-resources-information-sheet](http://www.epa.gov/compliance/small-business-resources-information-sheet). This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, please contact Kimberly Tomczak of my staff at (404) 562-8987 or by email at [tomczak.kimberly@epa.gov](mailto:tomczak.kimberly@epa.gov).

Sincerely,

Kimberly L. Bingham  
Chief  
Chemical Safety and Land Enforcement Branch

cc: Ms. Jennifer Wren; GDA ([jennifer.wren@agr.georgia.gov](mailto:jennifer.wren@agr.georgia.gov))